



W.P.(MD) No.13907 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.07.2025

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THE HON'BLE MR.JUSTICE C. SARAVANAN

W.P.(MD) No.13907 of 2025

Jeyam

... Petitioner

Vs.

1.The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram.

2.S.Mariappan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the first respondent to take appropriate steps to restore the petitioner's name in respect of Shop No.21 situate at New Bus Stand, Ramanathapuram Municipality in the light of the first respondent's notice dated 29.12.2020 in Na.Ka.No. 3127/2020/A2 and giving preference in the allotment of shop as per Rule 316(11) of Tamil Nadu Urban Local Bodies Rules, 2023 by considering the petitioner's representation dated 03.04.2025.

For Petitioner : Mr.A.Arul Jenifer
for M/s.KBS Law Office

For R1 : Mr.K.Saravanan
Standing Counsel



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ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to take appropriate steps to restore the petitioner's name in respect of Shop No.21, situated at the New Bus Stand, Ramanathapuram Municipality, in light of the notice issued by the first respondent dated 29.12.2020 in Na.Ka.No.3127/2020/A2, and to give preference to the petitioner in the allotment of the said shop as per Rule 316(11) of the Tamil Nadu Urban Local Bodies Rules, 2023, by considering the petitioner's representation dated 03.04.2025.

2. The court records indicate that service of court notice on the second respondent was refused. Considering the same, this Writ Petition is taken up for final hearing and is being disposed of after hearing the learned counsel for the petitioner and the learned Standing Counsel for the first respondent.

3. It is the case of the petitioner that the second respondent, who is none other than the petitioner's son, was managing the shop at the Bus Stand, Ramanathapuram, which stood in the name of the petitioner, and had transferred the licence to his own name without the petitioner's



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knowledge. The first respondent demolished the shops situated at the Ramanathapuram Bus Stand for renovation work and allotted alternative accommodation to all the shop holders, including the second respondent, until the completion of the renovation work.

4. It is submitted that the petitioner had given a representation to the first respondent, seeking re-transfer of the shop and licence in the petitioner's name, pursuant to which notices dated 16.11.2020 and 29.12.2020 were issued to the second respondent, calling upon him to produce documents to substantiate and justify the name transfer.

5. It is further submitted that, instead of responding to the same, the second respondent filed O.S.No.6 of 2021 before the District Munsif Court, Ramanathapuram, for a bare injunction restraining the official respondents from restoring the licence in the name of the petitioner. It is confirmed by the learned counsel for the petitioner and the learned Standing Counsel for the first respondent that the said suit was dismissed for non-prosecution on 05.10.2023, and that no steps have been taken by the second respondent to restore the suit.



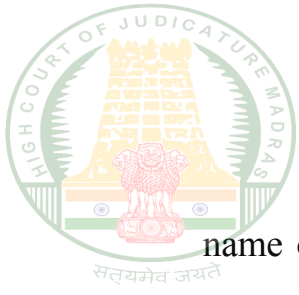
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6. It is further submitted by the learned counsel for the petitioner that the petitioner had also given a representation dated 04.04.2025, which has not evoked any response from the respondents.

7. The learned Standing Counsel for the first respondent submits that the shop originally leased/licensed to the petitioner has been demolished, and new constructions are being carried out at the Bus Stand. He further submits that allotments will be made at a later stage, as and when the new complex is ready. It is further submitted that, at present, the second respondent is in possession of an alternate shop that was given as an *interregnum* arrangement, in view of the demolition of the old shops.

8. Having considered the arguments advanced by the learned counsel for the petitioner and the learned Standing Counsel for the first respondent, and having perused the documents filed in support of the present Writ Petition, as well as the instructions received by the learned Standing Counsel for the first respondent from the Commissioner of Municipality, Ramanathapuram, I am inclined to dispose of this Writ Petition by directing the official respondents to restore the licence in the



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name of the petitioner, after giving due notice to the second respondent,
within a period of 30 days from the date of receipt of a copy of this order.

9. If an alternate shop has been allotted to the second respondent, the same shall be cancelled and re-allotted to the petitioner. After the new complex is ready, the allotment shall be made strictly in accordance with G.O. (2D) No.66, Municipal Administration and Water Supply (MA.4) Department, dated 06.08.2024.

10. With the above observations, this Writ Petition stands disposed of. No costs.

01.07.2025

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes/No

To

The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram.



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C.SARAVANAN, J.

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